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AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/746,981	11/19/96	LEE	Y 087.35020X00

U20457 LM02/0717
ANTONELLI TERRY STOUT KRAUS
1300 NORTH SEVENTEENTH STREET SUITE 1800
ARLINGTON VA 22209

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EXAMINER

STORM, D

ART UNIT PAPER NUMBER

2741

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DATE MAILED: 07/17/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/746,981

Applicant(s)
Lee et al.

Examiner
Donald L. Storm

Group Art Unit
2741



☒ Responsive to communication(s) filed on Jun 17, 1998

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 2, and 4 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 2, and 4 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Nov 19, 1996 is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Jun 17, 1998 is ☒ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Oath/Declaration

1. The objection to the declaration in the Office Action mailed March 18, 1998 as paper 4 is maintained. The supplemental response proposed by the amendment filed June 17, 1998 has not been received.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the claimed invention. The drawings should show every feature of the invention specified in the claims or the feature(s) should be canceled from the claim(s). See MPEP § 608.02(d). No new matter may be introduced. Correction is required. At a minimum, representation of the following features should be added to the drawings:

difference of the output values, comparison of the difference to a threshold, threshold determined from experimental statistics (claim 4).

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). No new matter may be introduced. Correction is required. The specification should teach the following claimed subject matter:

difference of the output values, comparison of the difference to a threshold, threshold determined from experimental statistics (claim 4).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The new matter is:

discrimination based on the difference of the output values, comparison of the difference to a threshold, threshold determined from experimental statistics, using the difference as a criterion combined with a comparison of two output values to discriminate whether or not the currently analyzed frame is a phoneme border, (claim 4).

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. The phrase “the threshold value” (claim 4, line 4) lacks antecedent basis in the claim. To search and evaluate and apply prior art, the Examiner has interpreted this threshold first being recited at this point in the claims and also being defined at this point by an implied determining step that would be recited similarly to the adjacent phrase “determined from previous experimental statistics”.

9. The limitation “determined from previous experimental statistics” (claim 4, lines 4-5) is indefinite because the phrase may connote more than mere description. In scientific parlance, the recited phrase may imply one or more physical steps or procedures. For example, statistics encompass a vast range of metrics that can be applied, and experimentally determining values for those metrics widens the range much more, depending on how the metric is measured. Determination will vary depending on the parameters, the selection of an ensemble of measurements, weighting, and formulas. The uncertainty as to what limits are intended here is great because the terms and procedures have not previously been identified in the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. The rejection is maintained of claims 1-2 under 35 U.S.C. 102(a), in the Office Action mailed March 18, 1998 as paper 4, as being anticipated by Youngjoo Suh and Youngjik Lee,

“Phoneme Segmentation of Continuous Speech Using Multi-Layer Perceptron,” Proceedings of Fourth International Conference on Spoken Language Processing ICSLP ‘96 (Philadelphia), 3-6 Oct. 1996, pp.1297-1300. The Examiner notes, with apologies to the author, the typographical misspelling of the author’s name in that office action.

Response to Amendment

12. Due to the amendment filed June 17, 1998 as paper 6, the objections to the drawings, objections to the specification, and claim rejections under 35 USC § 112, second paragraph, in paper 4 at numbered paragraphs 4-13 are removed. Please see new grounds for objection and rejection.

13. The drawing corrections proposed in the amendment filed June 17, 1998 as paper 6, are acceptable.

Response to Arguments

14. The Applicant’s argument is that the rejection under 35 USC § 102(a) as anticipated by Suh and Lee should be removed because the reference is after the priority date claimed for the present application. The Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15, which states in part that “where the applicant files foreign papers for the purpose of overcoming the effective date of a reference, a translation is required . . . together with a statement that the translation . . . is accurate . . . statement must be verified if made by a person not registered to practice before the Patent and Trademark Office.” The rejection is maintained.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Any response to this action should be mailed to:

Box AF
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or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

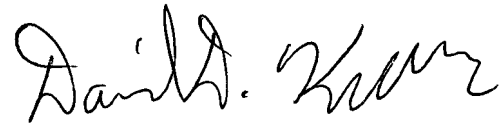
Or:

(703) 305-9508, (for informal or draft communications, and please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

17. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Donald L. Storm whose telephone number is (703)305-3941.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,
David R. Hudspeth, can be reached at (703)308-4825. Any inquiry of a general nature or relating
to the status of this application should be directed to the Group Receptionist whose telephone
number is (703)305-3900.



DAVID D. KNEPPER
PRIMARY EXAMINER